



Log # 2020-0002888

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On June 25, 2020, the Civilian Office of Police Accountability (COPA) received a complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on June 25, 2020, Police Officer Anna Hosepian pulled him over for no reason, unlawfully searched him and his vehicle, and slapped him in the face. Upon review of the evidence, COPA served additional allegations that Officer Hosepian searched [REDACTED] vehicle without justification, struck [REDACTED] on or about his face with an open hand without justification, failed to complete a Tactical Response Report, telling [REDACTED] including but not limited to, “shut the fuck up!” and “are you fucking blind” on multiple occasions without justification. COPA served allegations to Officer Matthew Gozdal for failing to comply with S03-14 in which he failed to timely activate his body worn camera.

### SUMMARY OF EVIDENCE<sup>2</sup>

On June 25, 2020, at approximately 10:20a.m., at or near 4703 W Lexington Street Chicago, IL 60644 Officer Anna Hosepian, Officer Matthew Gozdal, and Officer Matthew Beesley conducted a traffic stop on complainant [REDACTED] for failing to signal while turning.<sup>3</sup> Officers activated their emergency lights, but [REDACTED] kept driving for approximately two blocks before stopping. Upon approaching [REDACTED] vehicle, he refused to keep his windows rolled down while officers were asking for his license and insurance documents. [REDACTED] was asked to step out of the vehicle due to him concealing his right hand. Once [REDACTED] stepped out of the vehicle, he was handcuffed and escorted to the back of his vehicle with Officer Gozdal. Officer Gozdal attempted to deescalate [REDACTED] irate behavior, but [REDACTED] continued to yell and scream. When [REDACTED] saw Officer Hosepian begin to search his vehicle, [REDACTED] continued to express himself aggressively into Officer Gozdal’s body camera. When [REDACTED] began yelling “don’t search my goddam car” at Officer Hosepian, she walked up and struck [REDACTED] in the face with an open hand saying, “shut the fuck up!”<sup>4</sup> After Officer Hosepian delivered the open hand strike, she walked over to the passenger side front seat and began searching the inside vehicle. After Officer Hosepian finished searching [REDACTED] vehicle, she told [REDACTED] he did not have car insurance. [REDACTED]

<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, civilian interviews, and officer interviews.

<sup>3</sup> Att. 22.

<sup>4</sup> Att. 10 at 3:40.

ignored Officer Hosepian and continued to yell out loud. ██████ asked for Officer Hosepian's badge number, and she asked him if he was 'fucking blind.'<sup>5</sup> Officer Hosepian walked over to her patrol car and began writing tickets. ██████ was released out of handcuffs and was free to go.

During the statement with Officer Matthew Gozdal, he stated ██████ was concealing his right hand at the time of the traffic stop. The traffic stop was initiated because ██████ did not signal when turning. Officer Gozdal said he cuffed ██████ for officer safety and the safety of himself because he was irate and irrationally talking. Due to ██████ behavior, he was kept at the back of the vehicle with Officer Gozdal during the entirety of the traffic stop while Officer Hosepian searched ██████ vehicle. Officer Gozdal said Officer Hosepian's behavior was stern, but direct towards ██████ Officer Gozdal said spit flakes was coming out of ██████ mouth, hitting officers in the face due to him being tall.<sup>6</sup> Officer Gozdal stated Officer Hosepian redirected ██████ in his chest area due to spit flakes coming of his mouth. ██████ was asked about if he consumed any drugs, was on medication, or if he had any mental health issues due to his behavior. Officer Gozdal stated he attempted to activate his body camera when he got out of the car, but he guesses it did not activate.<sup>7</sup> He also stated he went into ██████ pockets to remove his identification and search for contraband.

During the statement with Officer Matthew Beesley, he stated ██████ was being combative from the beginning of the traffic stop. ██████ hesitated to step out of the vehicle. Once he stepped out of the vehicle, ██████ was cuffed and escorted to the back of the vehicle. Officer Beesley completed a scope search due to ██████ demeanor during the traffic stop. Officer Beesley searched the area where ██████ could reach.<sup>8</sup> ██████ demeanor was suspicious because he delayed the traffic stop by refusing to stop when officer activated their emergency lights, refusing to step out of the vehicle and being irate. ██████ behavior led officers to believe he was concealing contraband. Officer Beesley stated he did not hear Officer Hosepian use any profanity towards ██████ until he watched the body worn camera and he did not observe Officer Hosepian strike ██████ in the face area during the incident because he was inside of his patrol vehicle.<sup>9</sup>

During the statement with Officer Hosepian, she stated ██████ did not stop his vehicle until officers went on the side of his vehicle to tell him to stop and pull over. ██████ was not complying from the beginning of the traffic stop and he did not use his turn signal. ██████ refused to leave his window down while Officer Hosepian observed ██████ trying to conceal something on his right side of his body which led officers to have ██████ step out of the vehicle for officer safety. Officer Hosepian stated ██████ was irate, and spitting. Officer Hosepian stated ██████ was very uncooperative and he thought officers were going to kill him. Officer Hosepian stated she tried to deescalate the incident verbally several times, but it was not effective. Officer Hosepian stated

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<sup>5</sup> Att.10 at 6:55.

<sup>6</sup> Att.4.

<sup>7</sup> Att. 4.

<sup>8</sup> Att.2 at 3:43.

<sup>9</sup> Att. 2 at 03:05 – 03:38.

██████████ would not calm down and she began yelling because ██████████ was yelling. Officer Hosepian was agitated which is why she used profanity towards ██████████. Officer Hosepian said ██████████ was leaning in and spitting while he was talking which led spit to get on her. At this time, Officer Hosepian said she redirected ██████████ face in his neck area.<sup>10</sup> Officer Hosepian stated a Tactical Response Report (TRR) was not completed because she did not believe it was necessary due to her just redirecting ██████████ face.<sup>11</sup> Officer Hosepian searched ██████████ vehicle due to him being in a high crime area, him not wanting to step out of the vehicle, and him not wanting to pull over during the traffic stop. Officer Hosepian said she went into ██████████ glove department because he told her that his insurance information was there.<sup>12</sup> ██████████ received a couple traffic tickets, was uncuffed and free to go.

## II. ALLEGATIONS

### **Police Officer Anna Hosepian:**

1. Searching ██████████ vehicle, without justification.
  - Sustained in violation of Rule 3, Rule 6, and Rule 10.
2. Searching ██████████ person, without justification.
  - Unfounded
3. Striking ██████████ on or about his face with an open hand, without justification
  - Sustained in violation of Rule 2, Rule 3, and Rule 9.
4. Failure to complete a Tactical Response Report (TRR) after detaining, striking, and/or handcuffing ██████████ without justification.
  - Sustained in violation of Rule 2, Rule 3, and Rule 5.
5. Telling ██████████ including but not limited to, stating words to the effect of “shut the fuck up!” and “are you fucking blind” on multiple occasions, without justification.
  - Sustained in violation of Rule 2, Rule 3, and Rule 5.
6. Prolonging the detention of ██████████ without justification.
  - Unfounded

### **Police Officer Matthew Gozdal:**

1. Searching ██████████ person, without justification.
  - Exonerated
2. Searching ██████████ vehicle, without justification.
  - Unfounded
3. Failing to intervene when Officer Anna Hosepian struck ██████████ on or about the face with an open hand, without justification.
  - Sustained
4. Detaining ██████████ for an unreasonable amount of time, without justification.
  - Unfounded
5. Failing to comply with S03-14 by failing to timely activate your body worn camera.
  - Sustained in violation of Rule 5, and Rule 6.

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<sup>10</sup> Att.10 at 03:42.

<sup>11</sup> Att.9.

<sup>12</sup> Att.10 at 05:22.

**Police Officer Matthew Beesley:**

1. Searching [REDACTED] person, without justification.  
- Unfounded
2. Searching [REDACTED] vehicle, without justification.  
- Exonerated
3. Failing to intervene with Officer Anna Hosepian struck [REDACTED] on or about the face with an open hand, without justification.  
- Unfounded
4. Prolonging the detention of [REDACTED] without justification.  
- Unfounded

**III. CREDIBILITY ASSESSMENT**

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any individuals who provided statements.

**IV. ANALYSIS<sup>13</sup>**

COPA finds the allegation of **searching [REDACTED] person**, without justification, exonerated for Officer Godzal and unfounded for Officers Hosepian and Beesley. After making a lawful stop, a police officer may perform a protective pat down of a person where the officer has reasonable articulable suspicion that they or another is in danger of an attack. [REDACTED] was asked to exit the vehicle after he did not comply to providing identification and proof of insurance. Officer Gozdal related [REDACTED] right hand was concealed at the time of the stop. Officer Gozdal performed a pat down [REDACTED] at that time. Officers Hosepian and Beesley did not have physical contact [REDACTED] at the time of the pat down.<sup>14</sup> Due to Officer Godzal's observations of [REDACTED] hand being concealed and him being noncompliant, there was a reasonable articulable suspicion for the pat down.

COPA finds the allegation of **searching [REDACTED] vehicle**, without justification, sustained for Officer Hosepian, unfounded for Officer Gozdal and exonerated for Officer Beesley. Warrantless searches of citizens and their property have been strictly limited by the Fourth Amendment of the United States Constitution and the Illinois Constitution, which established "the right of individuals to be free from unreasonable searches and seizures."<sup>15</sup> However, under current law, police officers have been permitted to conduct impromptu searches of individuals under specific circumstances, such as when the officers have a reasonable suspicion that a subject may be armed and are able to articulate the basis for that suspicion.<sup>16</sup> Additionally, the law has permitted police officers to conduct a limited search of an individual's vehicle during a traffic stop provided

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<sup>13</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>14</sup> Atts. 3 & 10

<sup>15</sup> *People v. Colyar*, 2013 IL 111835, ¶ 31 (citing U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6).

<sup>16</sup> *Arizona v. Johnson*, 555 U.S. 323 (2009).

that they have a reasonable articulable suspicion that a weapon is located there.<sup>17</sup> If the circumstances of the situation are such that an officer has probable cause to believe that the vehicle contains contraband or evidence of a crime, a warrantless search is permitted provided that the type of search is limited to the range of possible locations suggested by the scope of the potential crime being investigated.<sup>18</sup>

Officer Gozdal did not search the vehicle as he was with [REDACTED] the entire stop. Therefore, the allegations against him are unfounded. Officer Beesley can be observed searching the driver's side door of the vehicle. However, as previously discussed, due to [REDACTED] behavior, the officers had a reasonable articulable suspicion to search for a weapon. Officer Beasley's search did not go beyond the limited area of the driver's side door, within reach of [REDACTED]. Therefore, the allegation against Officer Beesley are sustained.

However, the allegation against Officer Hosepian is Sustained. Officer Hosepian searched both the front seat driver's side and passenger's side areas as well as the back seat of the vehicle. She also searched the glove compartment of the vehicle. Officer Hosepian did not have a reasonable articulable suspicion, probable cause, or consent to search beyond areas within the reach of [REDACTED]. Therefore, the allegation is sustained.

COPA finds the allegation of **failing to intervene** when Officer Anna Hosepian struck [REDACTED] on or about the face with an open hand, without justification Sustained for Officer Gozdal and Unfounded for Officer Beesley. At the time of the incident, Officer Gozdal had a hold of [REDACTED] arm while he was in handcuffs. Officer Hosepian was continually escalating the situation by yelling at and using profanity towards [REDACTED] since she began searching his car. Officer Hosepian approached [REDACTED] just prior to striking him continuing to yell at [REDACTED]. There was time for Officer Gozdal to engage in de-escalation techniques, such as encouraging Officer Hosepian to stop engaging [REDACTED] or moving [REDACTED] away from Officer Hosepian, prior to [REDACTED] being struck in the face by Officer Hosepian.<sup>19</sup> Officer Beesley is unfounded because he was inside the officer vehicle running information and plates.

COPA finds the allegations of **detaining [REDACTED] for an unreasonable amount of time**, without justification Unfounded for Officer Beesley and **prolonging the detention of [REDACTED]** without justification unfounded for Officers Hosepian and Beesley. After review of Officers body worn camera<sup>20</sup> there was no evidence that the Officers were unnecessarily detaining [REDACTED] for a prolonged period of time. [REDACTED] was not providing his information and officers were attempting to identify him. The encounter lasted approximately 25 minutes.

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<sup>17</sup> Michigan v. Long, 463 U.S. 1032 (1983).

<sup>18</sup> Maryland v. Dyson, 527 U.S. 465 (1999).

<sup>19</sup> Att. 10 at 3:39-3:42

<sup>20</sup> Atts. 2 & 10

COPA finds the allegation of **striking** [REDACTED] on or about his face with an open hand, without justification Sustained for Officer Hosepian.<sup>21</sup> [REDACTED] was not physically resisting and was being detained. Although he was yelling disparaging verbal remarks directed at Officer Hosepian, this does not justify Officer Hosepian's use of force striking [REDACTED] on or about his face.<sup>22</sup> In her statement, Officer Hosepian reported while [REDACTED] was yelling he was spitting and she used her hand to redirect [REDACTED] face.<sup>23</sup> However, she approached him and continued to escalate the encounter rather than deescalate it. [REDACTED] immediate body response, as shown on Officer Hosepian's body worn camera, shows that physical contact was made as a strike.<sup>24</sup>

COPA finds the allegation of **failing to complete a Tactical Response Report** after detaining, striking and/or handcuffing [REDACTED] without justification Sustained for Officer Hosepian. Department members are required to complete a TRR according to G03-02-02. After a thorough search of CPD databases, no report was found. In her interview, Officer Hosepian, does not recall completing a TRR after the traffic stop and making contact with on and or about [REDACTED] face.<sup>25</sup>

COPA finds the allegation of **telling** [REDACTED] **including but not limited to, stating words to the effect of "shut the fuck up!" and "are you fucking blind"** on multiple occasions, without justification Sustained for Officer Hosepian. After reviewing Officer Hosepian's body worn camera she did not try to utilize de-escalation techniques. In Officer Hosepian's statement to COPA she states that she was trying to meet [REDACTED] at "his level by yelling at him" and yelling at him was "not my finest, I was a little agitated with him."<sup>26,27</sup>

COPA finds the allegation to **failing to comply with S03-14 by failing to timely activate your body worn camera** for Officer Gozdal Sustained. Officer Gozdal does activate his body worn camera approximately nine minutes into the traffic stop.<sup>28</sup> Officers Hosepian and Beesley's body worn cameras were activated at the beginning of the traffic stop and the time of recording is approximately 22 to 23 minutes. At the time of activation, Officer Gozdal is standing at the back of [REDACTED] vehicle, [REDACTED] was in handcuffs and Officer Gozdal had a hold of [REDACTED] arm to detain him.<sup>29</sup>

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<sup>21</sup> G03-02-01(IV)(B)(1): Response to Resistance and Force Options which states a person who fails to comply with verbal directives is a passive resister. Holding techniques, compliance techniques, control techniques, and oleoresin capsicum (oc spray) are the only options that are authorized when dealing with a passive resister.

<sup>22</sup> Att. 10 at 3:42

<sup>23</sup> Att. 6 21:42

<sup>24</sup> Att. 10 at 3:42-3:44

<sup>25</sup> Att. 6 21:42

<sup>26</sup> Att. 6 17:22-18:55

<sup>27</sup> G02-01 (III) (B)(3) states Department members will act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, maintain a courteous, professional attitude.

<sup>28</sup> Att. 3

<sup>29</sup> Att 3

**V. DISCIPLINARY RECOMMENDATION**

**a. Officer Anna Hosepian**

**i. Complimentary and Disciplinary History<sup>30</sup>**

Officer Hosepian has received a total of forty-two awards, including one crime reduction award and 34 honorable mentions. She has one sustained complaints history for the past five years, receiving a seven-day suspension. She also received two reprimands, one for non-compliance with motor vehicle pursuit requirements and one for inattention to duty.

**ii. Recommended Discipline**

COPA has considered Officer Hosepian's complimentary and disciplinary histories. COPA has considered the sustained allegations against Officer Hosepian and the totality of circumstances surrounding this incident. Department members are prohibited from unjustified physical and verbal altercations. COPA recommends a Suspension of 20-days up to 60-days, Anger Management and De-escalation Training.

**b. Officer Matthew W Gozdal III**

**i. Complimentary and Disciplinary History<sup>31</sup>**

Officer Gozdal has received a total of seventy-three awards, including two crime reduction awards, three department commendations, sixty-one honorable mentions and one honorable mention ribbon award. He has one sustained complaint history for the past five years receiving a reprimand.

**ii. Recommended Discipline**

COPA has considered Officer Gozdal's complimentary and disciplinary histories. CPD requires accurate documentation of any and all scene responses including but not limited to traffic stop and investigatory stops. By not activating his body worn camera immediately upon engaging with this traffic stop, Officer Gozdal did not comply with CPD directives and special orders. Officer Gozdal also failed to intervene when Officer Hosepian struck ██████████ COPA recommends Officer Gozdal receive a suspension of up to 30 days and De-escalation Training.

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<sup>30</sup>Att. 47

<sup>31</sup>Att. 47

Approved:



Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

February 5, 2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	June 25, 2020/10:00a.m./ 4703 W Lexington Street
Date/Time of COPA Notification:	June 25, 2020/11:00a.m.
Involved Member #1:	Anna Hosepian, star #2851, employee ID# [REDACTED] December 14, 2015, 011 District, Female, White
Involved Member #2:	Matthew Gozdaliii, star #9220, employee ID# [REDACTED] September 24, 2007, 011 District, Male, White
Involved Member #3:	Matthew Beesley, star#18844, employee ID# [REDACTED] July 15, 2013, 011 District, Male, White
Involved Individual #1:	[REDACTED] Black, Male

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G02-01: Protection of Human Rights (effective June 30, 2022, to present).
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present).
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023, to present)
- S03-14: Body Worn Camera (effective April 30, 2018, to present).

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>32</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>33</sup>

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<sup>32</sup> See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

<sup>33</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation